

Petition(s) for Special Leave to Appeal (Civil) No(s).1 1 9 3 9 / 2 0 0 5

(From the judgement and order dated 1 7 / 0 8 / 2 0 0 4 in SA No. 9 6 8 / 2 0 0 4 of The
HIGH C O U R T O F J U D I C A T U R E AT ALL A H A B A D)

DIN E S H CHAND R A SAX E N A & ORS.

Petitioner(s)

VE R S U S

STA T E U R B A N D E V E L O P M E N T A G E N C Y & ORS. Respondent(s)
(With appln.(s) for c/delay in filing SL P and permission to submit additional
documents(s) and exemption from filing O.T. and with prayer for interim relief)
(For final disposal)

Date: 0 4 / 0 4 / 2 0 0 8 This Petition was called on for hearing today.

CORAM :

HON' B L E MR. JUS T I C E S.B. SIN H A
HON' B L E MR. JUS T I C E L O K E S H W A R SING H P A N T A

For Petitioner(s) Mr. Sanjoy Ghose, Adv.
Ms. Anitha Shenoy, Adv.

For Respondent(s) Dr. Meera Agarwal, Adv.
Mr. Ramesh Chandra Mishra, Adv.
Mr. Praveen Swarup, Adv

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.
Leave granted.

The impugned judgment is set aside, the matter is remitted to the learned
Single Judge of the High Court and the appeal is disposed of in terms of the signed
order.

(Asha Kukrety)
Sr. P . A .

(Pushap Lata Bhardwaj)
Court Master

(The signed order is placed on the file)

I N T H E S U P R E M E C O U R T O F I N D I A

C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 2 5 6 4 O F 2 0 0 8
(A R I S I N G O U T O F S L P (C) N O . 1 1 9 3 9 / 0 5)

DIN E S H CHAND R A SAX E N A & ORS.
(s)

Appellant

VE R S U S

STA T E U R B A N D E V E L O P M E N T A G E N C Y & Ors.
(s)

Respondent

O R D E R

Delay condoned. Leave granted.

Having heard learned counsel for the parties, we are of the opinion that the
Division Bench while hearing an Interlocutory Application dated 1 6 . 0 7 . 2 0 0 4

in
exercise of its appellate jurisdiction should not have disposed of the writ petition
itself.

The impugned judgment is, therefore, set aside only to that extent and the
matter is remitted to the learned Single Judge of the High Court for passing
appropriate order on the writ petition filed by the appellants on merits and in
accordance with law.

The appeal is disposed of accordingly.

.....J
(S.B. SINH A)

.....J
(LOK E S H W A R

SI

N G H
P A N T A)
N E W D E L H I
A P R I L 0 4, 2 0 0 8